



SPECIAL EDUCATION PROGRAMS

Guidance for Highly Qualified Special Education Teachers

On December 3rd, 2004, President Bush signed H.R. 1350, now known as the Individuals with Disabilities Education Improvement Act of 2004, into law. With this act, the reauthorization of federal special education law has been completed. One of the big concerns for South Dakota has been the issue of special educators being highly qualified. This article is guidance for these teachers to determine their highly qualified status. Please note these requirements are in effect now and teachers need to be highly qualified by the end of the 2005-2006 school year.

SPECIAL EDUCATION TEACHERS REQUIREMENTS TO MEET IDEA HIGHLY QUALIFIED DEFINITION

There are three categories of highly qualified special educators listed below:

1) Special educators teaching core academic classes:

This is a teacher providing direct instruction to students with disabilities in a core academic subject. Teachers who deliver instruction to students with disabilities are required to meet the same standards for content knowledge as general education teachers. Core academic subjects are: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

2) Special educators teaching students with significant cognitive disabilities:

The elementary or middle/secondary special education teacher teaches core academic subjects exclusively to students with disabilities who are assessed against alternate achievement standards.

3) Special educators providing consultative services:

Services include: adapting curricula, modifying instructional method, using behavioral supports and interventions, and/or selecting/using appropriate accommodations. It may also include: providing direct assistance to student with disabilities such as: tutoring, reinforcement of content provided in the general education setting in the resource class setting or self-contained classroom.

Provided below is the language for highly qualified special education teacher taken directly from the signed bill:

Sec.602- Definitions – Highly Qualified Special Education Teachers

(10) HIGHLY QUALIFIED-

(A) IN GENERAL- For any special education teacher, the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that such term also--

(i) includes the requirements described in subparagraph (B); and

(ii) includes the option for teachers to meet the requirements of section 9101 of such Act by meeting the requirements of subparagraph (C) or (D).

(B) REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS- When used with respect to any public elementary school or secondary school special education teacher teaching in a State, such term means that--

(i) the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;

(ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) the teacher holds at least a bachelor's degree.

(C) SPECIAL EDUCATION TEACHERS TEACHING TO ALTERNATE ACHIEVEMENT STANDARDS- When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either--

(i) meet the applicable requirements of section 9101 of such Act for any elementary, middle, or secondary school teacher who is new or not new to the profession; or

(ii) meet the requirements of subparagraph (B) or (C) of section 9101(23) of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the level of instruction being provided, as determined by the State, needed to effectively teach to those standards.

(D) SPECIAL EDUCATION TEACHERS TEACHING MULTIPLE SUBJECTS- When used with respect to a special education teacher who teaches 2 or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either--

(i) meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;

(ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under section 9101(23)(C)(ii) of such Act, which

may include a single, high objective uniform State standard of evaluation covering multiple subjects; or

(iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects, not later than 2 years after the date of employment.

(E) RULE OF CONSTRUCTION- Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this section or part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a particular State educational agency or local educational agency employee to be highly qualified.

(F) DEFINITION FOR PURPOSES OF THE ESEA- A teacher who is highly qualified under this paragraph shall be considered highly qualified for purposes of the Elementary and Secondary Education Act of 1965.

FAQ'S

1. How does a special education teacher become HQ?

A special education teacher teaching one core academic subject shall demonstrate competency by passing a rigorous state academic subject test in that subject, or successful completion in that subject of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing. A special education teacher who teaches one core academic subject must, **by the end of the 2005-2006 school year**, pass a rigorous state academic subject test in that subject, complete in that subject an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing, or demonstrate competency by meeting high objective state standard of evaluation (HOUSSE) rules.

2. Am I highly qualified?

Each teacher needs to individually look at the flowchart and HOUSSE rules developed by the Department of Education to see if they are highly qualified. If you are highly qualified in your current position, it does not mean you will always be highly qualified. For example: if you change assignments, such as teach different classes in your current school; or move to a new district and are teaching different classes, you will need to go through the flowchart again to make sure you are still highly qualified.

Special education teachers must meet the state's special education certification requirements for the grade level they teacher and hold at least a bachelor's degree.

3. What are consultative services?

Consultative services do not include instruction in core academic subjects, but may include adjustments to the learning environment, modifications of instructional methods,

adaptation of curricula, the use of positive behavioral supports and interventions, or the use of appropriate accommodations to meet the needs of individual children.

4. Is there a “grandfather clause”?

No, there is not a “grandfather clause”. All teachers must follow IDEA rules regardless of how many years they have been teaching.

5. Who can provide instruction to special education students?

Special education teachers are required to have obtained full state certification as special education teachers, but it does not prevent general education and other teachers who are highly qualified in particular subjects from providing instruction in core academic subjects to children with disabilities in those subjects. For example, a reading specialist who is highly qualified in reading instruction, but who is not certified as a special education teacher, would not be prohibited from providing reading instruction to children with disabilities.

6. I teach multiple subjects to special education students, how do I become highly qualified?

For special education teachers who teach two or more core academic subjects exclusively to children with disabilities, the teacher may either:

- 1) meet requirements for any elementary, middle, or secondary school teacher who is new or not new to the profession;
- 2) (in the case of a teacher who is new or not new to the profession), demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession, which may include HOUSSE
- 3) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required of an elementary, middle or secondary teacher, HOUSSE must be followed not later than two years after the date of employment.

7. I teach non-core academic classes, do I need to be highly qualified?

If the special education teacher provides direct instruction to students with disabilities on non-core academic subjects (basic skills, community-based instruction, transition services, adaptive physical education, health education, driver’s education, computer literacy), there are no requirements in IDEA, you will follow the state certification guidelines.

8. I teach early childhood, do I need to be highly qualified?

According to NCLB, there are no requirements for early childhood (preschool) teachers to be highly qualified. According to IDEA, early childhood teachers must possess the early childhood/special education endorsement to be considered adequately prepared and trained.

While highly qualified does not apply to early childhood teachers in special education, they still must be properly endorsed and meet the state requirements to be assigned to teach early childhood special education.

9. Can I take a Praxis test to become highly qualified?

If you have a K-8, or K-12 Special Education degree only, you may take a Praxis test in a specific core content subject. If you pass that test, you may teach that subject to special education students.

10. I have a K-8 Special Education and Elementary Education degree, may I teach middle school?

If the school is an elementary K-8 school, yes, you may teach middle school. If it is a designated middle school, you will need a middle school content endorsement(s).

11. I teach students who have significant cognitive delays, what qualifications do I need?

You will need full state certification as a special education teacher and preparation at the elementary level to teach core academic subjects to these students.

12. When do all teachers need to be highly qualified?

Both general education and special education teachers teaching in a K-12 school need to be highly qualified by the end of the 2005-2006 school year.

13. I do not have a valid teaching certification in SD, can I still teach?

Teachers of students with disabilities holding certification that has been waived on an emergency, temporary, or provisional basis do not meet requirements of NCLB or IDEA 2004.

14. What are the requirements to hire personnel?

States are mandated by IDEA to require qualifications that ensure personnel are appropriately and adequately prepared and trained. Also requires personnel to have “content knowledge and skills to serve”. LEA’s must take measurable steps to recruit, hire, train and retain highly qualified personnel.

Site for information on the Praxis test: <http://www.state.sd.us/deca/OPA/Praxis/>